

wheel side brake or a portion connected to a corresponding pressure chamber of the master

917
cont
cylinder
D12
cont'd

Please add the following claims 19-21:

918

--19. (New) The brake device as in claim 16, wherein the fluid source pressure detector includes a master cylinder pressure detector which detects a master pressure of a pressure chamber of the master cylinder or of a portion connected to the master cylinder, and the bottoming detector detects the bottoming condition based on whether a decreasing gradient of the master pressure detected by the master cylinder pressure detector is larger than a predetermined gradient.--

D12
cont'd

--20. (New) The brake device as in claim 16, wherein the brake operating amount detector includes a stroke detector which detects an operating stroke of the brake operating member, and the bottoming detector detects the bottoming condition based on whether an increasing gradient of the stroke detected by the stroke detector is smaller than a predetermined gradient.--

--21. (New) The brake device as in claim 16, further comprising a brake fluid control device which controls the brake fluid pressure in different ways based on the type of the failure detected by the failure detector.--

REMARKS

Claims 1, 3-12, 14 and 16-21 are pending. By this Amendment, claims 1, 3-12, 14 and 16-18 are amended, claims 19-21 are added, claims 2, 13 and 15 are cancelled and the specification and drawings are amended. The attached Appendix includes marked-up copies of the specification (37 C.F.R. §1.121(b)(1)(iii)) and claims (37 C.F.R. §1.121(c)(1)(ii)).

I. The Drawings

Item 2 on page 2 of the Office Action indicated that "several of the labels in figures 1-14 are presented in Japanese." Please note that while this application was originally filed in the Japanese language, the translation filed with the Patent Office on May 30, 2001 included all English-language drawings. Applicants have not been able to locate any Japanese labels (or other text) in any of the drawings filed on May 30, 2001. Withdrawal of this drawing objection is requested. The Examiner is invited to contact Applicants' undersigned attorney if the Patent Office file does not include all of the drawings filed on May 30, 2001.

Item 3 on page 2 of the Office Action objected to the drawings because various elements or labels, mentioned in the specification, were not shown in the original drawings. Applicants respectfully submit that this drawing objection should be withdrawn. First, Applicants submit that, with respect to the first two indented items listed under item 3, the described subject matter is well known in the art and thus need not be shown in the drawings. In any event, the drawings have been revised to show all of the features and labels mentioned in item 3 of the Office Action and described in the specification at, for example, paragraphs [0010], [0045], [0046] and [0051]. No new matter has been added.

With respect to items 4 and 5 listed on page 3 of the Office Action, either the drawings have been revised, or the specification (or claims) have been revised to overcome these objections. Withdrawal of these objections is requested.

II. The Specification

The Examiner is thanked for identifying the informalities in the specification. The specification has been amended to address the informalities noted in the Office Action. With respect to the use of numbers (1)-(3), Applicants have amended paragraph [0051] in order to

define what is meant by these numerals. Accordingly, Applicants submit that the specification is clear and that the objection to the specification should be withdrawn.

III. All Pending Claims are Patentable

The informalities noted in item 7 of the Office Action have been overcome by amending the claims.

Claims 2-8 and 12 stand rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

The occurrence of the label F1 on page 14, line 16 is an obvious typographical error. The specification has been amended to eliminate this typographical error, thereby addressing the issue raised in this rejection. Withdrawal of the rejection is requested.

Claims 1-18 stand rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully submit that the above amendments to the claims overcome this rejection. In addition, Applicants respectfully submit that the use of the phrase "in a different way" in the claims is clear, particularly in view of the specification. That is, the specification clearly describes that the manner in which the brake fluid pressure is controlled differs depending on the type of failure that is detected. With respect to the features previously recited in claim 2, see, e.g., paragraphs [0044], [0048] and [0049].

Claims 1 and 9 stand rejected under 35 U.S.C. §102(b) over JP-A-10-147236 to Yamada et al. This rejection is moot since the features of claims 2 and 15 have been incorporated into claims 1 and 9, respectively.

Claims 1 and 9 stand rejected under 35 U.S.C. §102(b) over JP-A-11-278238. This rejection is moot for the same reasons set forth above.

Claims 10, 11, 14 and 16-18 stand rejected under 35 U.S.C. §103(a) over Yamada et al. in view of U.S. Patent No. 4,867,509 to Maehara et al. This rejection is moot with respect

to claims 10, 11 and 14. Applicants respectfully traverse this rejection with respect to claims 16-18.

Claim 16 has been amended to recite that the bottoming detector detects a bottoming condition in the master cylinder "based on whether an increasing gradient of the brake operating amount detected by the brake operating amount detector is larger than a predetermined gradient." Maehara et al. does not disclose or suggest, *inter alia*, the above-quoted feature of claim 16. While Maehara et al. teaches a bottoming detector 55 at col. 15, lines 28-32, that bottoming detector is not described as detecting the bottoming condition based on an increasing gradient of the brake operating amount as recited in independent claim 16. Accordingly, claim 16, as well as its dependent claims, are patentable over the applied references.

Claims 19-21 are supported, for example, in paragraphs [0125], [0127] and [0143] of the original specification. These claims are patentable at least in view of their dependence from claim 16.

Claim 12 stands rejected under 35 U.S.C. §103(a) over the references applied against claim 10, and further in view of JP-A-11-278238. This rejection is moot.

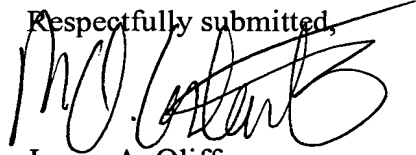
Applicants note with appreciation the indication of allowable subject matter in claims 2-8, 13 and 15. As noted above, the features of claims 2 and 15 have been incorporated into claims 1 and 9, respectively.

IV. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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JAO:MAC/ccs

Attachments:

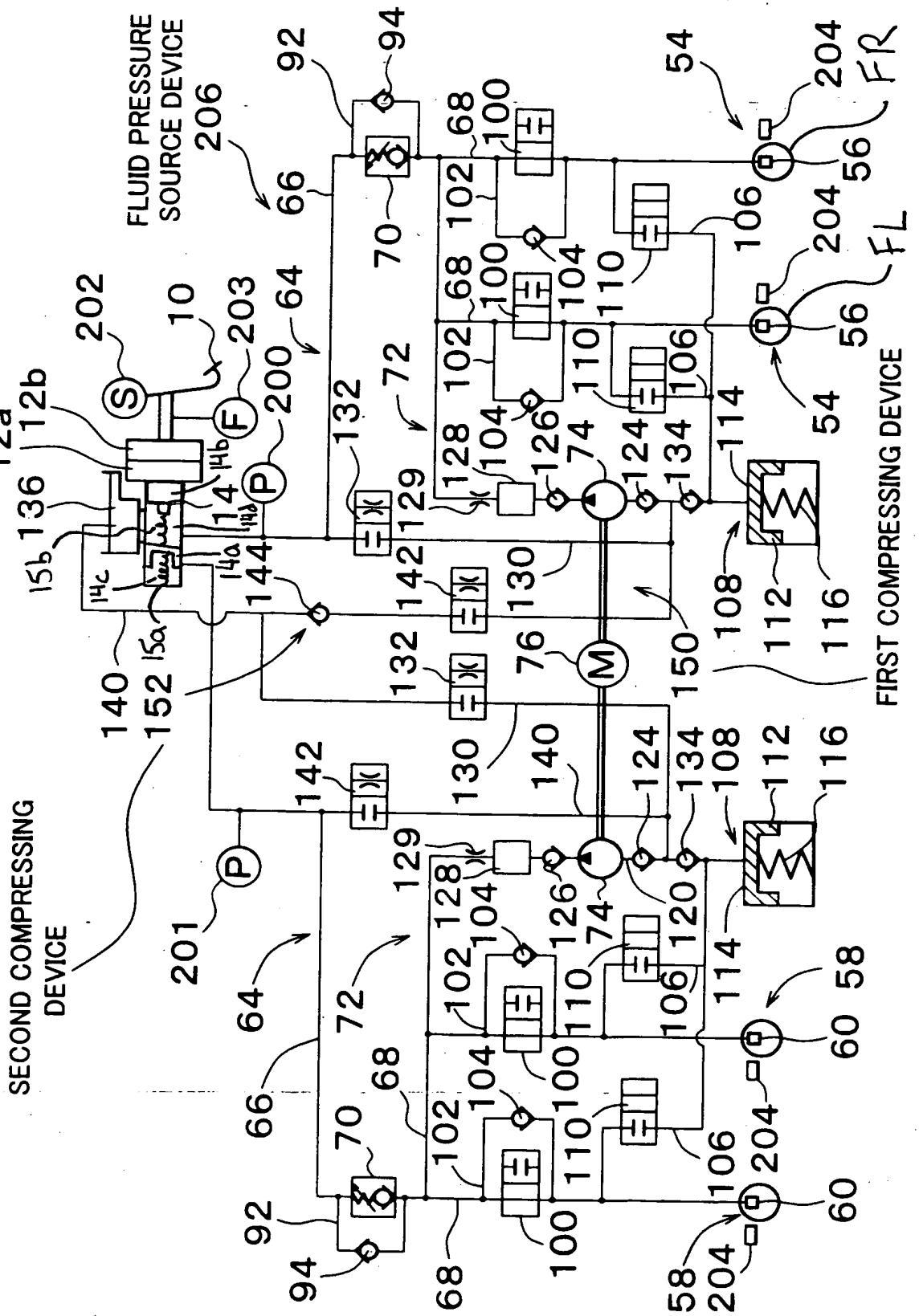
Appendix
Request for Approval of Drawing Corrections
Petition for Extension of Time

Date: June 19, 2002

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

FIG. 1



100

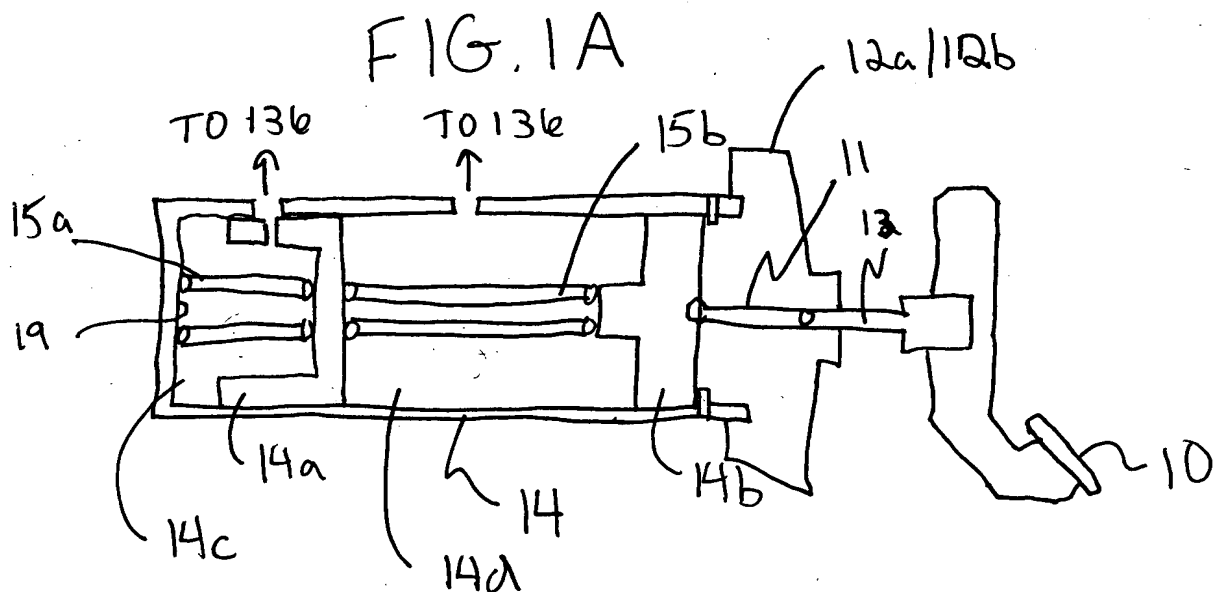


FIG. 9

MASTER CYLINDER PRESSURE

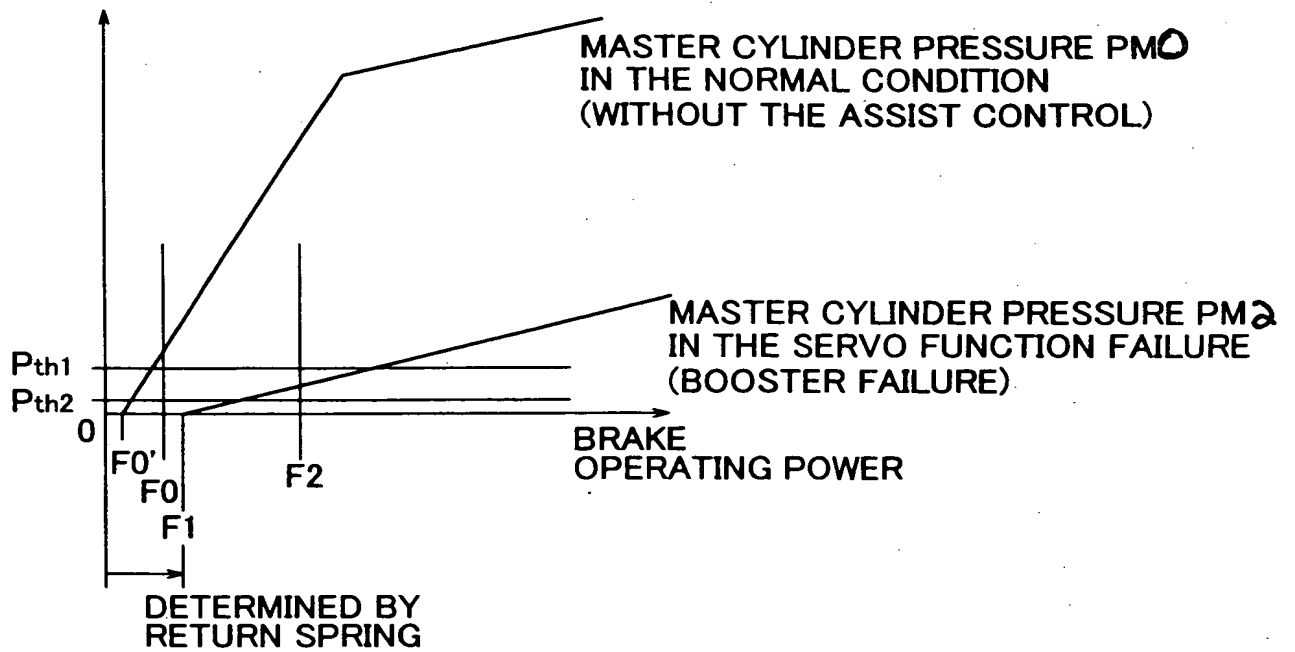


FIG. 10

POWER (FLUID PRESSURE)

FLUID LEAK LARGE

